PRIVACY POLICY

Policy owner: Chief Legal Advisor

Policy approved by: The WorkSafe Board

Policy reviewed and approved: 26 March 2018

Next review due: March 2021

Distribution: This policy will be published on the WorkSafe New Zealand website and intranet.

This policy is provided to all staff and Board members. It is the responsibility of each staff and Board member to understand and apply this policy. It also applies to contractors engaged by WorkSafe. It is the responsibility of the Manager engaging the contractor to ensure they comply with all WorkSafe policies while working for WorkSafe.

Purpose

This privacy policy sets out the principles which are used by WorkSafe to collect, store, use and disclose personal information. It applies to all personal information collected and held by WorkSafe, including personal information about WorkSafe staff.

Scope

WorkSafe is New Zealand's health and safety regulator and the regulator for electricity and gas safety in the workplace and home. In our role we work closely with employers, employees and others to educate them about their workplace health and safety responsibilities, engage them in making changes that reduce the chances of harm, and enforce the legislation for which we are responsible. To fulfil our role, WorkSafe collects, holds and uses personal information.

WorkSafe is committed to ensuring that personal information is managed appropriately and we strive to uphold good practice privacy standards in the collection, storage and use of personal information.

Personal information at WorkSafe is subject to:

- The Privacy Act 1993 (external link) and associated 12 Information Privacy Principles (external link) that cover the collection, handling and use of personal information
- The Official Information Act 1982 (external link).
- The Public Records Act 2005 (external link)

1. Information Privacy Principles

The collection, storage, use and disclosure of personal information is governed by the Privacy Act. In particular, it sets out 12 information privacy principles which are summarised below. WorkSafe must comply with these principles. Many of the principles have exceptions to them, therefore it is important to read the principles in the context of the Privacy Act.

- **Principle 1:** WorkSafe must only collect personal information if it is necessary for a lawful purpose connected with a function or activity of WorkSafe
- **Principle 2:** WorkSafe must only collect personal information directly from the individual concerned, or their appointed representative
- **Principle 3:** When it collects the information, WorkSafe must take reasonable steps to ensure the individual knows it is being collected, the purpose of the collection and who will see it
- **Principle 4:** WorkSafe must collect personal information by lawful means and in a fair and non-intrusive manner
- **Principle 5:** WorkSafe must use reasonable safeguards to protect personal information against loss and unauthorised access and use
- **Principle 6:** Individuals are entitled to request access to personal information that is held about them
- **Principle 7:** Individuals are entitled to request that the information held about them be corrected
- **Principle 8:** WorkSafe must take reasonable steps to ensure that the personal information is up to date, relevant and not misleading before using it
- **Principle 9:** WorkSafe must not keep the information for longer than needed for the purposes for which it may lawfully be used
- **Principle 10:** WorkSafe must not, in most cases, use personal information obtained in connection with one purpose for another purpose
- **Principle 11:** Personal information held by WorkSafe must not, in most cases, be disclosed to another person or organisation.
- **Principle 12:** WorkSafe must not assign a unique identifier to an individual unless it is necessary to carry out its functions.

2. Creation and collection of personal information:

WorkSafe commits to collecting information only for the purposes linked to our organisational functions.

WorkSafe commits, subject to any lawful exception, to making people aware of the collection of information, our purposes for doing so, and their rights to access and correct that information.

3. Storing of personal information

WorkSafe commits to maintaining all reasonable safeguards against the loss, misuse or inappropriate disclosure of personal information, and maintaining processes to prevent unauthorised use or access to that information. In particular:

- WorkSafe will keep physical documents secure when there is a business need to take them outside of WorkSafe premises, and no technical solution is applicable.

- WorkSafe will keep electronic personal information secure by ensuring its data storage is protected from external sources, maintaining regular back up of data to secure storage and applying good practice for information security management.
- WorkSafe may use cloud computing, which is hardware or software delivered as a service over the internet, to manage and store information. Where used, WorkSafe will ensure that cloud computing solutions meet all applicable government security requirements.

4. Requests for personal information

WorkSafe commits to providing individuals with access to their personal information, where appropriate, and respects the individual's right to seek amendment of factually incorrect information. Requests for information will be processed by WorkSafe in accordance with its Privacy Act Guidelines. In particular:

- WorkSafe will acknowledge the request for personal information as soon as possible after receipt, and will respond to the request within 20 working days of the request being made (unless extended under the Privacy Act).
- Where a person seeks correction of personal information held by WorkSafe, we will respond to that request, informing them of resulting action. This may be in the form of correction of factual information, or attaching a statement of correction to the information held by WorkSafe.

5. Use of personal information

WorkSafe uses personal information in the objective of promoting and contributing to securing the health and safety of workers and workplaces and promoting electricity and gas safety. WorkSafe commits to only using personal information for the purposes for which it is collected, except where legislation allows it to be used for other purposes, or with the consent of the person concerned. WorkSafe will, when using information, take reasonable steps to ensure it is complete, relevant, and up to date.

WorkSafe will not use personal information in its user training or systems testing, unless in a form that does not identify the individual(s) concerned.

6. Information sharing and disclosure of personal information

WorkSafe may share information externally where it is lawful to do so. For example, WorkSafe may disclose information to other agencies where there is an express legislative authority or requirement to do so. In addition, the Privacy Act provides for the authorisation and oversight of Approved Information Sharing Agreements, which allow the sharing of personal information to facilitate the provision of public services. WorkSafe may consider entering into such an Agreement where it is satisfied that it provides mutual benefits for WorkSafe and the other agency/agencies involved. Advice must be sought from WorkSafe Legal Services prior to entering into any agreement.

WorkSafe may also disclose personal information to other agencies where it believes on reasonable grounds that it falls within one of the exceptions to Principle 11 of the Privacy Act.

7. Third party arrangements

Where WorkSafe enters into arrangements with third parties that involve the use or management of personal information held by WorkSafe, appropriate provisions will be included to protect that personal information.

Where WorkSafe holds personal information on behalf of another agency there may be specific contractual or statutory requirements that WorkSafe must also comply with.

The requirements for third party arrangements need to be considered on a case by case basis and assistance sought from WorkSafe's privacy officer where necessary.

8. Privacy incidents

A privacy incident includes a privacy breach or a near miss. A privacy breach occurs when there is an unauthorised access, collection, use or disclosure of personal information. A near miss is where an action could have resulted in a breach but ultimately the breach does not occur.

All privacy incidents (actual or near misses) discovered by staff should be notified to their immediate manager. Managers are responsible for managing the response to the privacy incident in accordance with WorkSafe's Privacy Incident Guidelines.

WorkSafe's Privacy Incident Reporting form should be completed as soon as possible. This will be provided to WorkSafe's Privacy Officer who will advise further on the management of the privacy incident.

9. Complaints

Where any member of staff becomes aware of a complaint made by an individual to WorkSafe or to the Office of the Privacy Commissioner, WorkSafe's Privacy Officer should be notified.

10. Further obligations

WorkSafe will:

- Train and inform its employees and contractors of this policy and ensure the information privacy principles are applied when fulfilling their role within WorkSafe
- Endeavour to protect the privacy of staff members
- Regularly review WorkSafe business processes that relate to the collection, recording, access, use, storage and destruction of personal information so they remain relevant and reflect good practice.

11. Who to contact

WorkSafe's Privacy Officer can be contacted at PrivacyOfficer@worksafe.govt.nz .

Responsibilities

Position	Responsible for
All WorkSafe staff (including contractors), Board and Committee members	Complying with this policy, in particular by: • Being aware of and complying with this policy as relevant to their role • Undertaking any necessary training • Reporting any concerns, issues or failures to comply with this policy that are identified
WorkSafe Board	Approval of this policy and monitoring to ensure compliance
Chief Legal Advisor	Privacy Officer for the organisation
General Manager People and Culture	Supporting Privacy Act training requirements as appropriate
Managers	Ensuring staff are aware of the existence of this policy Monitoring compliance of staff with this policy Managing the response to any privacy incidents, in accordance with WorkSafe's Privacy Incident Guidelines

Related documents

The Privacy Act

The Official Information Act

The Public Records Act

Privacy Strategy

Privacy Act Guidelines

Privacy Incident Guidelines